

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

IN THE MATTER OF:)

DAVID SMITH, KEVIN WHITE,)

and INSTANT ADVANCE PAY SERVICES, and)

its managers, officers, affiliates, subsidiaries, representatives,)

successors, and assigns.)

FILE NO. 14-00287

ORDER OF PROHIBITION

TO RESPONDENTS:

DAVID SMITH

1608 SOUTH ASHLAND AVENUE, UNIT 56155

CHICAGO, ILLINOIS 60608

KEVIN WHITE

1608 SOUTH ASHLAND AVENUE, UNIT 56155

CHICAGO, ILLINOIS 60608

INSTANT ADVANCE PAY SERVICES

1608 SOUTH ASHLAND AVENUE, UNIT 56155

CHICAGO, ILLINOIS 60608

WHEREAS, a Temporary Order of Prohibition was issued by the Illinois Secretary of State, on September 24, 2014, temporarily prohibiting the Respondents from offering or selling securities in the State of Illinois for a maximum period of ninety (90) days.

WHEREAS, pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5/1 *et. seq.*] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of a Temporary Order of Prohibition shall constitute an admission of any facts alleged therein and constitute a sufficient basis to make the Temporary Order final.

WHEREAS, Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES have failed to request a hearing on the matters contained in the Temporary Order of Prohibition within thirty (30) calendar days of the entry of said Temporary Order and the Respondents are hereby deemed to have admitted the facts alleged in the said Temporary Order.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in said Temporary Order as the Secretary of State's Findings of Fact as follows:

1. Respondent Instant Advance Pay Services ("Instant Advance") is a purported business entity with a last known address of 1608 South Ashland Avenue, Unit 56155 Chicago, Illinois 60608.
2. Respondent David Smith ("Smith") is a natural person who holds himself out as a representative of Instant Advance with a last known address of 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608.
3. Respondent Kevin White ("White") is a natural person who holds himself out as a Manager of Instant Advance with a last known address of 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608.
4. Our investigation revealed that Respondents Instant Advance, Smith, and White are not located at 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608, and the correct location of all the Respondents are unknown.
5. In or around June 6, 2014, Respondent Instant Advance through its representative Respondent Smith offered to procure a loan for at least one Illinois resident, Investor A, a senior citizen living on disability.
6. Respondent Smith through Respondent Instant Advance offered to procure a loan for Investor A.
7. To secure the loan, Respondent Smith with Respondent White's approval ordered Investor A to purchase "Green Dot MoneyPaks" from Walgreens totaling approximately \$767.00. The prepaid credit card numbers were transferred to Respondent Smith via telephone by Investor A.
8. To date, Respondents Smith and Instant Advance failed to procure the loan and return the prepaid fee to Investor A.

9. The activities set forth above are those of a "loan broker", as those terms are defined in Section 15-5.15(a) of the Illinois Loan Brokers Act of 1995 [815 ILCS 175/15-1 et seq.], (the "Act").

COUNT I
FRAUD

9. Respondent Smith, Respondent White, and Respondent Instant Advance failed to procure the loan for Investor A.
10. Respondent Smith, Respondent White, and Respondent Instant Advance failed to return the prepaid fee totaling approximately \$767.00 to Investor A.
11. Instead of procuring the Loan for Investor A or returning the fee to Investor A, Respondents converted and used the money for its/their own personal use.
12. Section 15-85(a) of the Act provides, *inter alia*, that it is prohibited by the Act for a loan broker, in connection with a contract for the services of a loan broker, to either directly or indirectly employ any device, scheme or article to defraud, made any untrue statements of material fact, or engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.
13. By virtue of the foregoing, Respondents Instant Advance, David Smith, and Kevin White violated Sections 15-85 (a) of the Act.
14. Section 15-55(c) of the Act provided, *inter alia*, that if the Secretary of State shall find that any person has violated any provision of the Act, the Secretary of State may, by written Order, temporarily prohibit or suspend such person from acting as a loan broker.
15. That Section 15-55(e) of the Act provides, *inter alia* "(A)nything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, any individual or entity acting as a loan broker or engaging in the business of providing loan brokerage services, without notice and prior hearing, if the Secretary of State shall in his or her opinion, based upon credible evidence, deems it necessary to prevent an imminent violation of this Act or to prevent losses to clients which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act..."

COUNT II
UNREGISTERED LOAN BROKER

16. Respondents Instant Advance, David Smith, and Kevin White are not and never have been registered as a loan broker in the State of Illinois.
17. Section 15-10 of the Act provides, *inter alia*, that it shall be unlawful for any person to engage in the business of loan brokering unless registered under the Act.
18. Respondents Instant Advance, David Smith, and Kevin White were not registered with the Secretary of State as a loan broker as required by the Act prior to engaging in the business of loan brokering in the State of Illinois.
19. Section 15-55(d) of the Act provides, *inter alia*, that "if the Secretary of State shall find that any person is acting or has acted as a loan broker as defined in Section 15-5.15 of this Act, without prior thereto or at the time thereof having complied with the registration requirements of this Act, the Secretary of State may by written order prohibit such person from acting as a loan broker in this State".
20. By virtue of the foregoing, Respondents Instant Advance, David Smith, and Kevin White have violated Section 15-10 of the Act.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Conclusions of Law contained in the said Temporary Order as the Secretary of State's Conclusions of Law as follows:

1. Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES violated Sections 15-85 (a) of the Act.
2. Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES violated Section 15-10 of the Act
3. Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES and each of their partners, members, officers and directors, agents, employees, affiliates, successors and assigns are subject to, pursuant to Section 15-55 (c), 15-55 (d), and 15-55 (e) of the Act, an Order which permanently prohibits them from engaging in the business of loan brokering in or from the State of Illinois.

Order of Prohibition

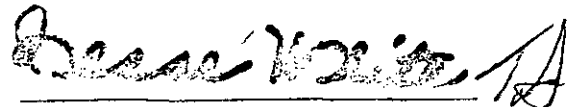
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NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to Section 15-55 (c), 15-55(d), and 15-55 (e) of the Act, Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES and each of their partners, members, officers and directors, agents, employees, affiliates, successors and assigns are hereby **PROHIBITED** from engaging in the business of loan brokering in or from the State of Illinois.

NOTICE: Failure to comply with the terms of this Order shall be a violation of the Section 15-85(b)(2) of the Act. Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of the Order, shall be guilty of a Class 4 Felony.

This is a final order subject to administrative review pursuant to the Administrative Review Law, {735 ILCS 5/3-101 et seq.} and the Rules and Regulations of the Illinois Securities Act, {14 Ill. Admin. Code Ch. I, Section 130.1123}. Any action for Judicial Review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Dated this 17th day of December 2014



JESSE WHITE
Secretary of State
State of Illinois

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